IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 261 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

S GOENKA LIME & CHEMICALS LTD.

Versus

SAYAJI IRON & ENGINEERING CO. LTD.

Appearance:

1. Civil Revision Application No. 261 of 2002

MR HARESH J TRIVEDI for Petitioner No. 1

RULE NOT RECD BACK for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 20/11/2002

ORAL JUDGEMENT

#. This revision application is filed by the original defendant of Special Civil Suit No.818 of 1999. The said

suit is pending in the court of Civil Judge (Senior Division), Vadodara. In the said suit, an application was given by the present petitioner - original defendant at Exh.22 to the effect that, in view of the agreement between the parties, the Court at Katni (MP) has jurisdiction to decide the dispute and that the Court at Vadodara has no territorial jurisdiction to decide the same.

#. I have heard Mr.Trivedi, learned advocate, for the petitioner.

#. Considering the fact that the plaintiff has filed the suit for recovering certain amount. It cannot be said that the Court at Vadodara has no jurisdiction to decide the aforesaid suit. The trial Judge has rightly found that part of the cause of action has arisen in Vadodara as the plaintiff is residing at Vadodara and has filed the suit for the purpose of recovering certain amount against the alleged debtor, i.e. defendant herein. It cannot be said that, as per the agreement in question, jurisdiction of the Court at Vadodara is ousted. I do not find any substance in this revision application, hence, this revision application is rejected. Rule is discharged with no order as to costs. Ad-interim relief granted earlier stands vacated.

(P.B.Majmudar,J)
(pathan)